



Water Quality Antidegradation: *Guidance to Implement Tier II*

Summary of Discussion:

- **Review the Tier II Rule requirements.**
- **Clarify what feedback we are looking for.**
- **Discuss highlights of the guidance.**
- **Provide a Question and Answer Period.**



Review the Tier II Rule requirements

- Where WQ is better than the WQ criteria;
- New and expanded actions;
 - Which are regulated by Ecology, and
 - That would measurably lower water quality
- Will only be allowed if;
 - The lowering of water quality is necessary, and
 - Is in the overriding public interest (OPI).
 - Necessity refers to the use of all feasible methods to protect water quality, and
 - OPI refers to the provision of public benefits



What Feedback is Ecology Looking For?

- **Does the guidance implement the Rule?**
- **Can it be implemented as written?**
- **Are there better ways to implement portions of the Tier II rules?**
- **What additional guidance is needed?**



Guidance Highlights - Eligibility

- **Expanded actions are defined as:**
 - Physical expansion of the facility,
 - An increase in the permitted load >10%,
 - Re-rating the capacity >10%.
- **Throughout the guidance we have tried to use existing processes and decision criteria.**
 - For example, the 10% increase matches when new source performance standards are applied.



Guidance Highlights – Public Involvement

- **Recommends early public involvement.**
 - **Prior to submitting a facility plan.**
- **Recommends use of existing public involvement processes.**
 - **NPDES notices, SEPA checklists, etc.**



Guidance Highlights – Measurable Change

- Rule sets numeric values on what is measurable for conventional parameters (temp, oxygen, bacteria), and limits toxics to any detectable increase.
 - Applies at the chronic mixing zone boundary.
 - Same procedures is used as determining reasonable potential to exceed WQS.
 - Used only to determine if an entity needs to go through the Tier II antidegradation tests.



Guidance Highlights – OPI Determination

- Proponents must prepare a statement of the benefits and costs of the social, economic, and environmental effects associated with lower WQ.
- This information will be used in the public process.
- Use of available information and narrative descriptions are encouraged.
 - May not be able to quantify the value of a fishing hole, but may be able to quantify its level of use.



Guidance Highlights – Need to Lower WQ

- Before a lowering of WQ can be authorized it must be demonstrated to be necessary.
 - Requires an evaluation of the best combination of feasible site, structural, and managerial approaches.
 - Rejecting less degrading alternatives must be based on a determination that the costs are prohibitively expensive.
- Costs tests recommended are:
 - The BAT test for industries (Permit Writers Manual), and
 - The household cost test for Muni's (EPA Econ guidance).



Guidance Highlights – General Permits

- Tier II is applied when GP are developed or revised.
 - Individual actions do not go Tier II analysis.
- When new facilities apply for coverage, their request will be submitted for public comment.
- Notices will include:
 - Description of the waterbody affected,
 - A message outlining the AD requirements, and
 - The name of the contact person at Ecology.



Things to keep in mind

- **Guidance is flexible.**
 - We can address problems as they arise.
- **It is not 100% complete.**
 - There are still issues we will need to work on.
- **It will remain a work in progress.**
 - We will revisit and update it as necessary.
- **EPA has not yet approved the rule.**
 - Maybe by November 2005.
 - Entities planning a new or expanded facility may want to plan ahead to meet the rule.



Question and Answer Period

- We welcome your written comments.
 - Try for April 30th
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